

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>8:12CR190</b>
	)	
<b>vs.</b>	)	<b>ORDER</b>
	)	
<b>DANIEL M. MALONE,</b>	)	
	)	
<b>Defendant.</b>	)	

This matter is before the court on the motion of defendant Daniel M. Malone (Malone) for an order in aid of discovery (Filing No. 47). Malone invokes Fed.R.Crim.P. 16 (a)(1)(E); however, the appropriate vehicle in which to review the computer and data stored thereon is a subpoena duces tecum in advance of trial pursuant to Fed.R.Crim.P. 17(c)(1). Malone's request to review the computer and data will be granted to the extent Malone's counsel shall prepare and serve a subpoena duces tecum for the items sought to be produced either at the law firm of Lamson, Dugan & Murray, LLP, or at the offices of the Domina Law Group, PC LLO, at a date prior to trial and as selected by counsel for Malone. Upon production, such materials shall be made available to counsel for the government and Malone shall disclose a written summary of testimony intended to be used at trial pursuant to F.R.Evid. §§ 702, 703, and 705.

**IT IS SO ORDERED.**

DATED this 22nd day of March, 2013.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge